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# MICHIGAN FAMILY FORUM

*Sound Public Policy for Stronger Michigan Families*

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House Education Committee

March 7, 2012

Testimony Submitted in Support of HB 5040

Mr. Chairman, and members of the committee:

Thank you for providing an opportunity to express our support for HB 5040. My name is Brad Snavelly. I am the executive director at Michigan Family Forum, a family policy council that focuses on family formation and preservation issues such as marriage, divorce, teen pregnancy and adoption.

From 2006-2009, Michigan Family Forum was a member of the Michigan Healthy Marriage Coalition, a federally funded partnership to promote healthy family relationships. Our role in the coalition was to coordinate intensive, multi-day seminars for licensed social workers and mental health professionals, clergy and state employees who were then trained in the approved programs. We coordinated training for nearly 300 individuals that represented a broad spectrum of faiths, socio-economic background, education and vocation. The trainings covered topics such as marriage, divorce, blended families, infidelity, domestic violence, family finances and sexuality. We learned through those trainings that the values and the way each counselor approached the topic areas were as diverse as the counselors themselves.

It was shortly after we completed our training of these counselors, clergy and social workers that we learned of Ms. Ward's case. Naturally, we were concerned.

Michigan Family Forum contacted several licensed counselors regarding the practice of referrals where a counselor may have an ethical reservation or values conflict. Without exception, the licensed counselors indicated that the counselor often has wide latitude in referring clients. Generally, much like attorneys, the smaller the practice, the wider the latitude a counselor has in making those personal decisions to refer. The licensed professionals we spoke with were shocked to learn of Ms. Ward's punishment by Eastern Michigan University (EMU).

This issue of conscience clauses for mental health professionals and counselors is not limited to one student. There are other students and licensed professionals facing the same dilemma across the country. Currently, the State of Nebraska is writing new rules for counselors in that state after licensed professionals felt pressure to provide counseling services that violated their deeply held religious beliefs. Ironically, that state's new rules would give licensed professionals far more protection than even our students appear to have. The Board of Mental Health first proposed new language that limited the

conscience clause to religious and moral values. However, in 2010, in a deliberate effort to broaden the exemption, the board unanimously approved language allowing referrals if a counselor simply felt “uncomfortable” providing counseling services.

Those rules, which provide broad latitude in granting counselors the right to refer, have not yet been approved by the Nebraska Department of Health and Human Services. They have not been approved because the rule still requires counselors to refer clients to another counselor who is willing to assist the person in attaining their goals. Nebraska’s Chief Medical Officer, Dr. Joann Schaefer, must approve any new language and she is hesitant to impose a duty to refer on counselors who object. The Lincoln Journal-Star wrote about the debate in Nebraska and reported, “All sides in this debate agree the professional can decide not to provide counseling without violating any professional ethical standards. The debate centers over whether he should be required to refer...” Rules similar to those proposed in Nebraska would provide reasonable, yet necessary protection to Michigan counselors and counseling students like Ms Ward.

Finally, I’d like to address the issue of constitutional autonomy that EMU has claimed as a defense in their trial briefs. While it is true that Michigan’s universities have great autonomy in curriculum development, it is also true that the legislature creates the Public Health Code, which in turn authorizes the Michigan Board of Counseling. It is the Board of Counseling that then creates the rules for counseling programs and must approve all degree -granting programs. If EMU objects to a new law which they claim violates their autonomy, we recommend that legislature consider amending the Public Health Code to require the Board of Counselors to include a conscience clause for approval or continuation of any counseling program.

As we learned in our experience in the Michigan Healthy Marriage Coalition, there are many qualified professionals who are moved to help others. For a host of reasons, a counselor may not feel inclined to assist a client who seeks their help. It is wrong for our laws and state institutions to erect barriers that prevent people from helping other people. Dr. Gary Marx, an EMU professor who sat on the Formal Review Committee that expelled Ms. Ward said, “So I guess what I am trying to figure is how someone with such strong religious beliefs would enter a profession that would cause you to go against those beliefs...by its stated code of ethics.” If such a stated code of ethics exists for counseling students in Michigan and prohibits those with strong religious beliefs from becoming counselors, it is time for the legislature to step in and clarify that code of ethics for our universities.

Respectfully submitted,

Brad Snavely

Executive Director